

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	15-CR-00065-LG-RHW-5
	§	
HECTOR ELOY GUERRA	§	

**MOTION REURGING JUDGMENT OF ACQUITTAL**

Comes now, Defendant Hector Eloy Guerra (“Mr. Guerra”), and reurges his Judgment of Acquittal pursuant to Federal Rule of Criminal Procedure 29 as to all remaining counts and in support thereof would respectfully show the Court as follows:

Mr. Guerra incorporates the arguments set out in Doc # 351. Further, Mr. Guerra urges the Court’s consideration of the following:

In response to Mr. Guerra’s original Rule 29 Motion for Judgment of Acquittal,<sup>1</sup> the Government offered only argument. The Government argued that Mr. Guerra’s guilt was supported by his involvement in obtaining affidavits from Nga Nguyen and Hein Cao. As the Court will recall, the Government offered G-169.<sup>2</sup> The Defense offered the rest of that email string in D5-1992 and D5-1994.<sup>3</sup> The completed picture reveals the fact that Mr. Guerra forwarded Mikal Watt’s request to the field and emailed the executed affidavits back to David Watts. This was the entirety of his involvement. Mr. Cracken confirmed the fact that Mr, Guerra solely forwarded the request and executed affidavits in his uncontroverted testimony.<sup>4</sup>

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<sup>1</sup> Doc. # 343.

<sup>2</sup> Please see Exhibit A.

<sup>3</sup> Please see Exhibit B.

<sup>4</sup> Cracken rough transcript at p. 3, part two.

Mr. Guerra's mere presence within this event wholly fails to meet the Government's burden under Rule 29. Therefore, the Court should grant Mr. Guerra's Motion and direct judgments of acquittal as to all remaining counts.

Respectfully submitted this 16<sup>th</sup> day of August, 2016.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2016, I electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification of such filing to all counsel of record.

Respectfully submitted this 16<sup>th</sup> day of August, 2016.

*s/Chip Lewis*  
Chip Lewis